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CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOLEDO

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Midland Funding LLC,	)	
	)	
Plaintiff/Counter Defendant,	)	CASE NO.: 3:08-cv- <del>01535</del>
	)	01434
vs.	)	HON. DAVID A. KATZ
	)	
Andrea Brent,	)	<u>And Related Cases:</u>
	)	Case No. 3:11-cv-0096
Defendant/Counterclaimant	)	Case No. 3:10-cv-0091
	)	
vs.	)	<b>MOTION OF THE STATE OF</b>
	)	<b>MINNESOTA FOR ADMISSION</b>
Midland Credit Management, Inc.,	)	<b>PRO HAC VICE OF DAVID CULLEN</b>
	)	
Counterclaim Defendant	)	
	)	

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Now comes the State of Minnesota, by and through undersigned counsel, pursuant to Local Rule 83.5(h) of United States District Court for the Northern District of Ohio, and hereby respectfully moves this Court for the admission, *pro hac vice*, of David Cullen, Assistant Attorney General for the State of Minnesota to appear and participate in this matter as counsel for the State of Minnesota. The address for the Office of the Attorney General of the State of Minnesota is Bremer Tower, Suite 1200, 445 Minnesota Street, St. Paul, Minnesota 55101-2130; Telephone: (651) 296 - 9412; Fax: (651) 296-7438.

The State of Minnesota wishes to appear for the sole and limited purpose of obtaining clarification of the Court's Order Granting Injunction Against Parallel Litigation. As set forth in its Motion for Clarification, the State seeks confirmation that the Court's Order does not enjoin the State, acting in its capacity as sovereign, from proceeding with an enforcement action in Minnesota State Court against Midland Funding, LLC and Midland Credit Management, Inc. for civil penalties and injunctive relief for violations of Minnesota law. The State does not seek to be made a party to the above-captioned case, nor does it intend to confer jurisdiction on the Court or otherwise waive any of the sovereign immunity protections afforded to the State under the Eleventh Amendment to the United States Constitution.

An affidavit of David Cullen in support of admission *pro hac vice* is attached hereto and incorporated by reference. A proposed Order is also submitted herewith for the Court's approval and signature.

Dated: March 22, 2011

Respectfully submitted,

LORI SWANSON  
Attorney General  
State of Minnesota



DAVID CULLEN  
Assistant Attorney General  
Atty. Reg. No. 0338898  
445 Minnesota St., #1200  
St. Paul, MN 55101-2130  
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ATTORNEYS FOR  
STATE OF MINNESOTA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
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	)	
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Defendant/Counterclaimant	)	Case No. 3:10-cv-0091
	)	
vs.	)	<b>AFFIDAVIT OF DAVID CULLEN</b>
	)	<b>IN SUPPORT OF MOTION FOR</b>
Midland Credit Management, Inc.,	)	<b>ADMISSION <i>PRO HAC VICE</i></b>
	)	
Counterclaim Defendant	)	
	)	

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Now comes David Cullen, after being duly sworn, being competent to testify to the matters stated herein and based upon personal knowledge, avers and states as follows:

1. I am an attorney licensed to practice law in and living in the State of Minnesota.
2. I am an Assistant Attorney General for the State of Minnesota, Bremer Tower, Suite 1200, 445 Minnesota Street, St. Paul, Minnesota 55101-2130; Telephone: (651) 757-1221; Fax: (651) 296-7438; E-Mail: david.cullen@state.mn.us.

3. I am and have been a member of good standing of the bar of the highest court of the State of Minnesota and of the United States District Court for the District of Minnesota.
4. No grievances, petitions or complaints have been filed against me with any disciplinary authority of any jurisdiction.
5. I will abide by the rules of this court and all Ohio disciplinary rules

FURTHER YOUR AFFIANT SAYETH NOT.

Dated: March 22, 2011


Respectfully submitted,



DAVID CULLEN  
Assistant Attorney General  
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Email: david.cullen@state.mn.us  
ATTORNEYS FOR  
STATE OF MINNESOTA

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF RAMSEY     )

Sworn to before me and subscribed in my presence this 22nd day of March, 2011.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: Jan. 31, 2015

